

**JUN 16 2003**

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**CATHY A. CATTERSON**  
**U.S. COURT OF APPEALS**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EDITA AGUILAR PAULINO,

Defendant - Appellant.

No. 02-10136

D.C. No. CR-01-00133-ACK

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Hawaii  
Alan C. Kay, District Judge, Presiding

Argued and Submitted May 8, 2003  
Honolulu, Hawaii

Before: GOODWIN, RYMER, and T.G. NELSON, Circuit Judges.

Edita Aguilar Paulino appeals her conviction of naturalization fraud under 18 U.S.C. § 1425(b). We have jurisdiction pursuant to 28 U.S.C. § 1291. Because the facts are familiar to the parties, we do not recite them here.

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

The district court properly admitted the marriage contract. The contract falls within the public records and reports exception of Federal Rule of Evidence 803(8). The public records exception is a firmly-rooted hearsay exception.<sup>1</sup> Therefore, no violation of the defendant's Confrontation Clause rights occurred upon the admittance of the contract.<sup>2</sup> Moreover, the Government properly authenticated the contract.<sup>3</sup>

The district court found that even without the presumption of regularity, the marriage contract documented a valid marriage. It did not err.<sup>4</sup> Accordingly, we need not consider petitioner's challenge to the presumption. As to petitioner's objection regarding the district court's credibility findings, we conclude that the record supports its findings.<sup>5</sup>

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<sup>1</sup> *United States v. Contreras*, 63 F.3d 852, 857 (9th Cir. 1995).

<sup>2</sup> *Id.*

<sup>3</sup> *See* Fed. R. Evid. 902(3); *United States v. Chu Kong Yin*, 935 F.2d 990, 994–95 (9th Cir. 1991).

<sup>4</sup> The district court's findings of fact are reviewed for clear error. *Easley v. Cromartie*, 532 U.S. 234, 242 (2001).

<sup>5</sup> As with other findings of fact, credibility findings are reviewed for clear error as well. *Anderson v. City of Bessemer*, 470 U.S. 564, 573 (1985).

In light of the above conclusions, sufficient evidence supports the district court finding that a marriage existed. Thus, the court properly found petitioner guilty of naturalization fraud, and we affirm.

AFFIRMED.